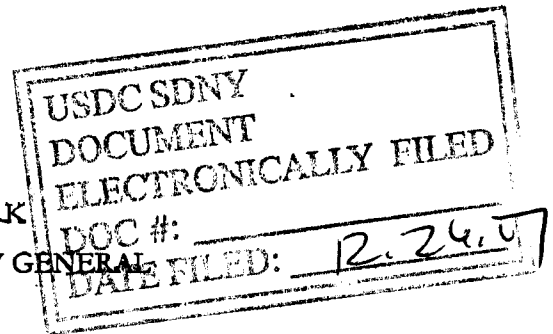


STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERALANDREW M. CUOMO
Attorney GeneralLESLIE G. LEACH
Executive Deputy Attorney General
Division of State Counsel

[212-416-8118]

JUNE DUFFY
Assistant Attorney General in Charge
Litigation Bureau

December 21, 2007

By Fax: 212-805-6181
Honorable Douglas F. Eaton
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

*12/21/07 - I extend the
time for all defendants to respond
to the Complaint until January 31, 2008.
Douglas F. Eaton*

Re: Hofelich v. Ercole, et. al., 07 CV 8059 (PKC)(DFE)

Your Honor:

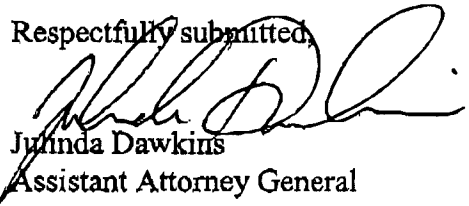
I am an Assistant Attorney General in the Office of Andrew M. Cuomo, Attorney General of the State of New York, assigned to the defense of this matter. I write on behalf of defendants to respectfully request an enlargement of time to answer, move or otherwise respond to the Complaint from December 21, 2007 until January 31, 2008. A review of the docket sheet indicates that not all the defendants have been served. Therefore, an extension of time would afford plaintiff the opportunity to serve the remaining defendants. Additionally, the parties are currently in the process of discussing settlement of this case as well as several others brought by plaintiff in the Southern District of New York and the Western District of New York.

I note that by making this request on behalf of defendants Ercole, Williams and Carter I am not waiving any possible defenses that they or the other defendant not yet served may have, including the lack of personal jurisdiction.

I did not request the consent of incarcerated plaintiff pro se to extend defendants' time to respond to the complaint because I wanted to make this request on behalf of the defendants forthwith. This is the defendants' second request for an extension of time to move or answer.

Accordingly, I request that defendants' time to respond to the complaint be enlarged to January 31, 2008. I thank the Court for its consideration in this matter.

Respectfully submitted,



Julinda Dawkins

Assistant Attorney General

cc: Jason Hofelich
Plaintiff Pro Se
DIN #: 01-A-5996
Elmira Correctional Facility
P.O. Box 500
Elmira, NY 14902-0500